



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,080	10/03/2001	Hitesh Shah	006004.00004	2094

22909 7590 07/25/2006

BANNER & WITCOFF, LTD.
1001 G STREET, N.W.
WASHINGTON, DC 20001-4597

EXAMINER

THIER, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/971,080

Applicant(s)

SHAH, HITESH

Examiner

Michael T. Thier

Art Unit

2617

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 43-54 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 43-45, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herman et al. (US 6633757) in view of Fitzgerald (US 6564056).

Regarding claims 43 and 51. Herman teaches a wireless communication system (see column 4 line 53-column 5 line 3, and column 6 lines 17-27, i.e. wireless LAN [WLAN]) comprising: a first wireless telephone (see column 6 lines 52-60, i.e. cellular phones, or several other devices) and a second wireless telephone (see column 6 lines 52-60, i.e. cellular phones, which is understood that the devices can be several cellular phones to share the services, and column 14 lines 61-63, where it is explained that 2 devices that "share" services can be of the same type, i.e. "implementations are possible where devices are employed which have essentially the same building blocks") and sharing at least one service of the one or more services with the first wireless telephone (see column 15 lines 36-38). Herman also teaches that the WLAN may comprises access points which can provide the wireless devices with access to a wired

Art Unit: 2617

network, which can be understood that the devices can be connected to some service provider. However, he does not clearly disclose that one of the wireless telephones (i.e. cellular phone) is subscribe to a service provider.

Fitzgerald teaches of a hub, or wireless device, used in a wireless network. He teaches the idea of the wireless device within the wireless network (item 100 in figure 1, shown as HUB, with wireless connections to item 108 and wireless interfaces 150), is also connected to a service provider to receive services in figure 1, see HUB 100 and cellular network 108. (Also see column 3 lines 65-column 4 line 11)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the subscribing to a wireless service provider as in Fitzgerald, with the wireless network that shares services in Herman. The motivation for doing so would have been to allow the devices within the wireless communication system (i.e. the wireless network), to enable the devices (i.e. cellular phones) to communicate with external service providers (Fitzgerald column 1 lines 58-64).

Regarding claims 44-45. Fitzgerald further teaches the idea of multiple service providers connected to the wireless network in figure 1 (see telephone network 106, data network 104, and cellular network 108). It must be understood that the Fitzgerald figure 1 is just an example of the invention and may possibly contain multiple cellular networks (i.e. wireless service providers), thus allowing for subscribing to a second wireless service provider different from the first.

Regarding claim 47. Fitzgerald further teaches the idea wherein the first wireless telephone and the second wireless telephone share a single wireless service plan

Art Unit: 2617

administered by the first wireless service provider or the second wireless service provider in figure 1, where the service provider is the cellular network 108, and the PDA 124 and phone 130, share a single service plan registered with the cellular network. (i.e. the HUB device 100, registers with the multiple networks and allows for the devices 124 and 130 to connect to those networks through it, therefore the HUB can have one service plan with the cellular network and the multiple devices can share that service plan.)

4. Claims 46 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claims 43-44 and 51 above, in further view of Walker et al. (US 6246755).

Regarding claims 46 and 52-53. Herman and Fitzgerald teach the limitations of the previous claims.

However, they fail to teach the limitations wherein the first wireless service provider cooperates with the second wireless service provider to share at least one service.

Walker teaches sharing revenue between service providers (revenue is shared between the content providers and telecommunication service providers; col. 3, ln. 21-47, also see column 2 lines 14-21, i.e. access different content providers, reads on the service providers cooperating to share their service, which can be telephone connectivity).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the sharing of revenue between service providers of Walker with the communication network that shares services as in Fitzgerald and Herman. The motivation for doing so would have been to aid in reducing the high cost of telephone connections for such services (column 2 lines 19-21 of Walker).

5. Claim 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claims 43-44 and 51 above, in further view of Marchbanks et al. (US 6266401).

Regarding claim 48. Herman and Fitzgerald teach the limitations of the previous claims.

However, they fail to teach the limitations wherein the first and second wireless telephones share a single billing report under the single wireless service plan.

Marchbanks teaches of a consolidated billing system for use in telephony networks. He teaches the idea of combining network and third party usage charges integrated into a single bill (see the abstract).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the single billing as in Marchbanks with the communication network that shares services as in Fitzgerald and Herman. The motivation for doing so would have been to allow for consolidated accounting of services provided (Marchbanks column 3 lines 43-44).

6. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claim 48 above, in further view of Walker et al. (US 6246755).

Regarding claim 49. Herman, Fitzgerald, and Marchbanks teach the limitations of the previous claims. Fitzgerald further teaches the idea that the second wireless service provider is different from the first wireless service provider as explained in the rejection of claim 45.

However, they fail to teach the limitations wherein revenue obtained under the single wireless service plan is divided between the first wireless service provider and the second wireless service provider.

Walker teaches sharing revenue between service providers (revenue is shared between the content providers and telecommunication service providers; col. 3, ln. 21-47, also see column 2 lines 14-21, i.e. access different content providers, reads on the service providers cooperating to share their service, which can be telephone connectivity). Since the revenue is shared between service providers, thus, it can be considered that it is divided amongst the two.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the sharing/dividing of revenue between service providers as in Walker, with the communication network that shares services as in Jagadish, Fitzgerald and Herman. The motivation for doing so would have been to aid in reducing the high cost of telephone connections for such services (column 2 lines 19-21 of Walker).

7. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claims 43-44 and 51 above, in further view of Chennakeshu et al. (US 6542758).

Regarding claim 50. Herman and Fitzgerald teach the limitations of the previous claims. Herman further teaches the first wireless phone is a personal phone in column 6 lines 54-60, i.e. personal digital assistants and cellular phones. Herman also teaches the wireless lan can be located within a car in column 6 lines 47-50.

However, they do not distinctly teach wherein the second wireless telephone is a vehicle wireless telephone.

Chennakeshu teaches a telephone for use in a vehicle (see the abstract and figure 1). Also see column 1 lines 24-26, and column 3 lines 58-column 4 line 9.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the vehicle phone as in Chennakeshu with the communication network that shares services as in Fitzgerald and Herman. The motivation for doing so would have been to allow for easy access to the wireless telephone by the driver of the vehicle.

8. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claims 43-44 and 51 above, in further view of Ginzboorg et al. (US 6047051).

Regarding claim 54. Herman and Fitzgerald teach the limitations of the previous claims.

However, they fail to teach the idea of paying a fee for the sharing of services.

Ginzboorg teaches of implementing charging in a telecommunication system. He teaches the idea of charging a fee for sharing of services in column 5 lines 1-6. See where he mentions that a billing service provider collects charges for usage for several providers, and may get a certain part of the profit or a fixed fee for compensation.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the compensation for sharing of services as in Ginzboorg, with the communication network that shares services as in Fitzgerald and Herman. The motivation for doing so would have been to allow for compensation to the service provider for the services provided (i.e. collecting the usage charges as in Ginzboorg).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

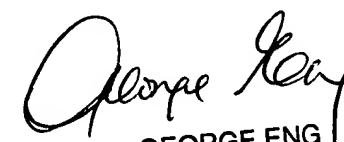
Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael T Thier
Examiner
Art Unit 2617

7/17/2006



GEORGE ENG
SUPERVISORY PATENT EXAMINER